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Date: December 22, 2005

FACSIMILE TRANSMISSION SHEET

To: General Information/Receptionist
Art Unit: 3635
United States Patent and Trademark Office

Fax. No.: 571-273-8300

From: James R. Hakomaki
Application No.: 10/688,239

Re: Title: MASONRY BRICK
Inventor: Raymond R. Price
Our Docket No. A45-015-01-US

No. of Pages 11 (including this cover sheet)

Operator: Barbara Salchow

Message: **PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

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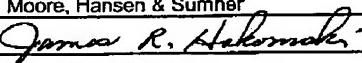
 PTO/SB/21 (09-04)
 Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/688,239
		Filing Date	October 17, 2003
		First Named Inventor	Raymond R. Price
		Art Unit	3635
		Examiner Name	C. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	A45-015-01-US	

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

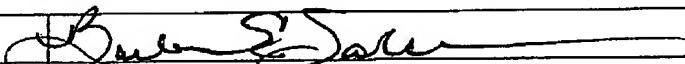
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Moore, Hansen & Sumner		
Signature			
Printed name	James R. Hakomaki		
Date	December 21, 2005	Reg. No.	35,037

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Typed or printed name

Barbara E. Salchow

Date

December 21, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Raymond R. Price	Confirmation No.: 2470
App. No.:	10/688,239	
Filed:	October 13, 2003	
Title:	MASONRY BRICK	
Art Unit:	3635	
Examiner:	C. Nguyen	
Docket No.:	A45-015-01-US	
Customer No.:	22,854	

Mail Stop: Amendment
Commissioner for Patents
Alexandria, V.A. 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181**

Dear Sir:

Applicant hereby petitions for withdrawal of the Holding of Abandonment of the above-identified application.

Applicant has been notified that the above-identified application has become abandoned by reason of failure to timely reply to the Office Action.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

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transmitted by facsimile to the Patent and Trademark Office no. 571-273-6847


Signature

Barbara E. Salchow

(type or print name of person certifying)

Date: 12/22/05

Petition to Withdraw Holding of Abandonment
Application No. 10/688,239
Filing Date: October 17, 2003
Inventor: Raymond R. Price

In the Notice of Abandonment, the Examiner has indicated that the Office Action was mailed on May 31, 2005. This is incorrect. The mailing date of the Office Action was June 9, 2005 (see attached copies of the PTO-90C that accompanied the first Office Action, and the PAIR file history printout for the above-identified application). The earliest date that the above-identified application could have been considered abandoned would have been December 10, 2005.

Contrary to the Patent Office's assertion, Applicant did timely file a response (see copies of the PTO/SB/21 Transmittal Form; the PTO/SB/22 Petition for Extension of time; the Return Receipt Postcard; and, the first and last pages of the Amendment and Response, all of which have a date of December 9, 2005. Note the certificate of mailing on the Transmittal Form and on the Amendment and Response.

Based on the above-presented facts, Applicant submits that no abandonment has occurred. Accordingly, Applicant respectfully requests withdrawal of the holding of abandonment and that the Amendment and Response of December 9, 2005 be entered and that the application be forwarded on to the Examiner in charge of the application.

Please charge any deficiencies, additional fees or surcharges necessary to the Deposit Account of the undersigned firm of attorneys, Deposit Account 13-4300, and credit overpayment thereto. Grant of this petition is respectfully requested.

Respectfully submitted,
For the Applicant(s)
By his/her/their Attorneys,

Customer Number:

22854

MOORE, HANSEN & SUMNER, PLLP
225 South Sixth Street
Suite 4850
Minneapolis, Minnesota 55402
Telephone: (612) 332-8200
Facsimile: (612) 332-1780

Date December 21, 2005

By:

James R. Hakomaki
James R. Hakomaki
Reg. No. 35,037



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,239	10/17/2003	Reymond R. Price	A45-015-01-US	2470
22854	7590	06/09/2005	EXAMINER	
MOORE, HANSEN & SUMNER, PLLP			NGUYEN, CHI Q	
225 SOUTH SIXTH ST			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			3635	
RECEIVED U.S. PATENT AND TRADEMARK OFFICE JUN 13 2005				
 DATE MAILED: 06/09/2005 				

Please find below and/or attached an Office communication concerning this application or proceeding.

C
 JUN 13 2005



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Search results as of: 12-20-2005::15:58:12 E.T.

Search results for application number: 10/688,239

Application Number:	10/688,239	Customer Number:	22854
Filing or 371(c) Date:	10-17-2003	Status:	Abandoned – Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	12-12-2005
Examiner Name:	NGUYEN, CHI Q	Location:	ELECTRONIC
Group Art Unit:	3635	Location Date:	-
Confirmation Number:	2470	Earliest Publication No.:	US 2005-0081469 A1
Attorney Docket Number:	A45-015-01-US	Earliest Publication Date:	04-21-2005
Class/ Sub-Class:	052/596	Patent Number:	-
First Named Inventor:	Reymond Price, Rochester, MN	Issue Date of Patent:	-
Title Of Invention:	Masonry brick		

Select Search Option

 Assignments Continuity Data Display References Image File Wrapper**File History**

Date	Contents Description
12-16-2005	Mail Abandonment for Failure to Respond to Office Action
12-12-2005	Abandonment for Failure to Respond to Office Action
06-09-2005	Mail Non-Final Rejection
05-31-2005	Non-Final Rejection
06-08-2004	Case Docketed to Examiner in GAU
03-30-2004	IFW TSS Processing by Tech Center Complete
03-30-2004	Case Docketed to Examiner in GAU
01-26-2004	Information Disclosure Statement (IDS) Filed
01-23-2004	Application Return from OIPE
01-23-2004	Application Return TO OIPE
01-23-2004	Application Dispatched from OIPE
01-26-2004	Application Is Now Complete
01-13-2004	Cleared by OIPE CSR
12-18-2003	IFW Scan & PACR Auto Security Review
10-17-2003	Initial Exam Team nn

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